

Bond

Bond's 2019 Summer
Webinar Series

Federal Pay Equity Reporting Requirements for Employers: EEO-1 Component 2 Compliance

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EEO-1 Component 2: How We Got Here

- The Pay Equity Revival
 - Today at a fever "pitch"
 - Strong focus on gender, but racial/ethnic concerns are also highlighted
- Federal Law Requirements
 - Equal Pay Act
 - Title VII
 - Executive Order 11246
- Traditional EEO-1 Data Collection under Title VII and EO 11246



EEO-1 Component 2: the History

- Obama Initiative
 - Stated Goal: Support the EEOC's pay discrimination investigations
 - "Pay discrimination goes undetected because of a lack of information on what employees are paid"
- OMB Hits the "Pause" Button in 2018
- Federal Court Litigation Re-starts the Process in March 2019
- Appeal – No stay of the court's order



EEO-1 Component 2: Compliance Obligations

- Covered Employers
 - Private Sector
 - Exclusions: Colleges and Universities, et al.
 - EEOC – 100+ employees
 - OFCCP – 100+ employees & \$50,000 in federal contracts
- Reporting Years: 2017 & 2018
 - Employer selects payroll period from Q4 – Workforce Snapshot Period
- Notice from NORC
- Reporting period closes September 30, 2019



Job Categories	Number of Employees (Report employees in only one category)														Total Col A - N
	Race/Ethnicity							Race/Ethnicity							
	Hispanic or Latino		Not-Hispanic or Latino					Not-Hispanic or Latino							
	Male	Female	Male			Female		Asian	American Indian or Alaska Native	Two or more races					
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers	1.1														
First/Mid-Level Officials and Managers															
Professionals															
Technicians															
Sales Workers															
Administrative Support Workers															
Craft Workers															
Operatives															
Laborers and Helpers															
Service Workers															
TOTAL															
PREVIOUS YEAR TOTAL															



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TOTAL															
PREVIOUS YEAR TOTAL															



EEO-1 Component 2: Issues About Reporting

- No linkage to Prior EEO-1 reporting
- Wage and Hours
 - W-2, box 1 wages
 - Hours worked or proxy
 - Year-end #s
 - Wage and hour disconnect
- Renewed focus on Your EEO-1 data
 - Strategic workweek selection
 - Job categories – accurate & up to date
 - Racial/Ethnic identification



EEO-1 Component 2: Issues About Reporting

- Issues for Multiple Establishment Employers
- Issues for Corporate mergers & acquisitions
- Penalties for Non-Compliance



EEO-1 Component 2: EEOC's Pay Equity Analysis

What We Know:

- EEOC investigators will analyze the data at the start of a complaint investigation
- EEOC may expand the scope of the investigation based on its analysis of the EEO-1 data
- EEOC acknowledges: data will not identify comparators and will not establish unlawful pay discrimination
- EEOC will publish reports including industry and location specific analyses



EEO-1 Component 2: EEOC's Pay Equity Analysis

What Keeps Us Up at Night:

- Erroneous claims arising from EEOC's methodologies
- Expansive EEOC investigations
- Access provided to plaintiffs and their counsel
- Unauthorized or inadvertent disclosure



Employer Pay Equity Issues

- The value of an internal pay equity audit
- Role of legal counsel and legal privileges against disclosure
- Analysis of EEO-1 data
- Comprehensive/appropriate pay equity analysis



Bond's 2019 Summer Webinar Series

**August 2019: Significant Expansions of the
NY Human Rights Law**

September 2019: NYS Farm Labor Legislation

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your e-mail, coming soon.**



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